



STATE OF WISCONSIN

Senate Journal

1998 Extraordinary Session

11:00 A.M.

TUESDAY, May 5, 1998

The Senate met.

The Senate was called to order by Senator Brian Rude.

The roll was called and the following Senators answered to their names:

Senators Breske, Burke, Chvala, Clausung, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, Jauch, A. Lasee, Lazich, Moen, Moore, Panzer, Plache, C. Potter, Risser, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke, Wirch and Zien – 33.

Absent – None.

Absent with leave – None.

The Senate stood for the prayer which was offered by Dr. Harry Johnson of Rock Prairie United Presbyterian Church in Janesville.

The Senate remained standing and Senator Weeden led the Senate in the pledge of allegiance to the flag of the United States of America.

REPORT OF COMMITTEES

The committee on **Business, Economic Development and Urban Affairs** reports and recommends:

Assembly Bill 549

Relating to: issuance of administrative warnings by the medical examining board, disciplinary actions against physicians, granting rule-making authority and providing a penalty.

Introduction and adoption of Senate amendment 1.

Ayes, 4 – Senators Drzewiecki, Roessler, Darling and Plache.

Noes, 0 – None.

Introduction and adoption of Senate amendment 2.

Ayes, 4 – Senators Drzewiecki, Roessler, Darling and Plache.

Noes, 0 – None.

Concurrence as amended.

Ayes, 4 – Senators Drzewiecki, Roessler, Darling and Plache.

Noes, 0 – None.

Gary Drzewiecki
Chairperson

The committee on **Environment and Energy** reports and recommends:

Assembly Bill 516

Relating to: the specified minimum percentage of postconsumer fiber contained in newsprint.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 5 – Senators Cowles, Farrow, Panzer, Clausung and Shibilski.

Noes, 0 – None.

Concurrence as amended.

Ayes, 5 – Senators Cowles, Farrow, Panzer, Clausung and Shibilski.

Noes, 0 – None.

ELMAN, WILLIAM R., of Appleton, as a member of the Land and Water Conservation Board, to serve for the interim term ending May 1, 2001.

Confirmation.

Ayes, 5 – Senators Cowles, Farrow, Panzer, Clausung and Shibilski.

Noes, 0 – None.

FOLCEY, SHARON M., of Sparta, as a member of the Kickapoo Reserve Management Board, to serve for the term ending May 1, 2001.

Confirmation.

Ayes, 5 – Senators Cowles, Farrow, Panzer, Clausung and Shibilski.

Noes, 0 – None.

HALFEN, FREDERICK J., of Prairie du Sac, as a member of the Land Information Board, to serve for the interim term ending May 1, 2003.

Confirmation.

Ayes, 5 – Senators Cowles, Farrow, Panzer, Clausung and Shibilski.

Noes, 0 – None.

HEIDEL, SANDRA, of Onalaska, as a member of the Kickapoo Reserve Management Board, to serve for the interim term ending May 1, 1999.

Confirmation.

Ayes, 5 – Senators Cowles, Farrow, Panzer, Clausung and Shibilski.

Noes, 0 – None.

MIYAMOTO, DOUGLAS M. "BUD", of La Crosse, as a member of the Lower Wisconsin State Riverway Board, to serve for the interim term ending May 1, 1998 and for the full term ending May 1, 2001.

Confirmation.

Ayes, 5 – Senators Cowles, Farrow, Panzer, Clausung and Shibilski.

Noes, 0 – None.

NETTUM, GEORGE E., of Viroqua, as a member of the Land and Water Conservation Board, to serve for the term ending May 1, 2002.

Confirmation.

Ayes, 5 – Senators Cowles, Farrow, Panzer, Clausung and Shibilski.

Noes, 0 – None.

RASMUSSEN, KATHLEEN M., of Cable, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 1999.

Confirmation.

Ayes, 5 – Senators Cowles, Farrow, Panzer, Clausing and Shibilski.

Noes, 0 – None.

RUF, FRITZ, of Pewaukee, as a member of the Wisconsin Waterways Commission, to serve for the term ending March 1, 2003.

Confirmation.

Ayes, 5 – Senators Cowles, Farrow, Panzer, Clausing and Shibilski.

Noes, 0 – None.

THOMAS, ROBERT D., of Dodgeville, as a member of the Waste Facility Siting Board, to serve for the term ending May 1, 2001.

Confirmation.

Ayes, 5 – Senators Cowles, Farrow, Panzer, Clausing and Shibilski.

Noes, 0 – None.

Robert Cowles
Chairperson

The joint committee on **Finance** reports and recommends:

Assembly Bill 601

Relating to: adoption assistance, granting rule-making authority and making appropriations.

Introduction and adoption of Senate amendment 1.

Ayes, 16 – Senators Weeden, Farrow, Cowles, Panzer, Schultz, Rosenzweig, Burke and Decker. Representatives Gard, Ourada, Harsdorf, Albers, Porter, Kaufert, Linton and Coggs.

Noes, 0 – None.

Concurrence as amended.

Ayes, 16 – Senators Weeden, Farrow, Cowles, Panzer, Schultz, Rosenzweig, Burke and Decker. Representatives Gard, Ourada, Harsdorf, Albers, Porter, Kaufert, Linton and Coggs.

Noes, 0 – None.

Assembly Bill 842

Relating to: requiring cost-benefit analyses in the rule-promulgation process.

Concurrence.

Ayes, 10 – Senators Weeden, Farrow, Panzer, Schultz and Rosenzweig. Representatives Gard, Ourada, Harsdorf, Albers and Porter.

Noes, 6 – Senators Cowles, Burke and Decker. Representatives Kaufert, Linton and Coggs.

Timothy Weeden
Senate Chairperson

The committee on **Judiciary** reports and recommends:

Assembly Bill 482

Relating to: providing alcohol beverages to an underage person, offering false identification purporting to show that an underage person has attained the legal drinking age and providing a penalty.

Concurrence.

Ayes, 5 – Senators Huelsman, Welch, Darling, Risser and Clausing.

Noes, 0 – None.

Assembly Bill 660

Relating to: lifetime supervision for persons who commit certain sex offenses, granting rule-making authority and providing a penalty.

Concurrence.

Ayes, 5 – Senators Huelsman, Welch, Darling, Risser and Clausing.

Noes, 0 – None.

Assembly Bill 712

Relating to: harboring or aiding juveniles who have run away or failed to appear in court and providing a penalty.

Concurrence.

Ayes, 3 – Senators Huelsman, Welch and Darling.

Noes, 2 – Senators Risser and Clausing.

Assembly Bill 785

Relating to: the location of refusal hearings, the citation procedure used for certain violations, judgments regarding minors and interference with custody of a nonmarital child (suggested as remedial legislation by the director of state courts).

Concurrence.

Ayes, 5 – Senators Huelsman, Welch, Darling, Risser and Clausing.

Noes, 0 – None.

Assembly Bill 876

Relating to: a statutory rape prosecution pilot program and making an appropriation.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators Huelsman, Welch, Darling, Risser and Clausing.

Noes, 0 – None.

Concurrence as amended.

Ayes, 5 – Senators Huelsman, Welch, Darling, Risser and Clausing.

Noes, 0 – None.

Assembly Bill 886

Relating to: prohibiting a person 12 years of age or over who has been adjudicated delinquent for committing a serious crime or who has a delinquency petition pending for a serious crime from day care licensure, certification, employment, contracting or residence.

Concurrence.

Ayes, 3 – Senators Huelsman, Welch and Darling.

Noes, 2 – Senators Risser and Clausing.

ROGERS, JAMES T., of Merrill, as a member of the Public Defender Board, to serve for the term ending May 1, 2000.

Confirmation.

Ayes, 5 – Senators Huelsman, Welch, Darling, Risser and Clausing.

Noes, 0 – None.

YOUNG, STELLA A., of Racine, as a member of the Public Defender Board, to serve for the term ending May 1, 2001.

Confirmation.

Ayes, 5 – Senators Huelsman, Welch, Darling, Risser and Clausing.

Noes, 0 – None.

Joanne Huelsman
Chairperson

The committee on **Senate Organization** reports and recommends:

Assembly Joint Resolution 129

Relating to: the life and public service of Richard Weinke.

Concurrence.

Ayes, 5 – Senators Ellis, Rude, Farrow, Chvala and Moen.
Noes, 0 – None.

Michael Ellis
Chairperson

The committee on **State Government Operations and Corrections** reports and recommends:

Assembly Bill 963

Relating to: the forms used to claim motor vehicle fuel tax refunds; replacing obsolete references to “special fuel” and “motor fuel”; authorizing the department of revenue to give seized cigarettes to law enforcement officers for use in criminal investigations; seized alcohol beverages; unpaid instalments of the estate tax; garnishment of earnings by debtors; the place of trial for criminal violations of certain income and franchise tax provisions; the statute of limitations for income taxes and franchise taxes; income tax information returns; and defining “one month” for the sales tax on certain rentals (suggested as remedial legislation by the department of revenue).

Concurrence.

Ayes, 5 – Senators Fitzgerald, A. Lasee, Lazich, George and Wineke.

Noes, 0 – None.

Scott Fitzgerald
Chairperson

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Office of the Secretary of State**

To the Honorable, the Senate:

<u>Bill, Joint Resolution or Resolution Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
Senate Bill 200	Wisconsin Act 212	May 12, 1998
Senate Bill 313	Wisconsin Act 214	May 12, 1998
Senate Bill 333	Wisconsin Act 215	May 12, 1998
Senate Bill 397	Wisconsin Act 216	May 12, 1998
Senate Bill 351	Wisconsin Act 218	May 12, 1998

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

**State of Wisconsin
Office of the Secretary of State**

To the Honorable, the Senate:

<u>Bill, Joint Resolution or Resolution Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
Senate Bill 467	Wisconsin Act 225	May 13, 1998
Senate Bill 490	Wisconsin Act 226	May 13, 1998
Senate Bill 25	Wisconsin Act 228	May 13, 1998
Senate Bill 147 (Partial Veto)	Wisconsin Act 229	May 13, 1998
Senate Bill 315 (Partial Veto)	Wisconsin Act 231	May 13, 1998
Senate Bill 254	Wisconsin Act 233	May 13, 1998

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

Senator Plache, with unanimous consent, asked that the Senate recess until 1:25 P.M.

11:32 A.M.

RECESS

1:25 P.M.

The Senate reconvened.
Senator Rude in the chair.

EXECUTIVE COMMUNICATIONS

Senator Ellis, with unanimous consent, asked that all the appointments with the exception of William R. Elman and Frederick J. Halfen be taken up en masse.

MIYAMOTO, DOUGLAS M. "BUD", of La Crosse, as a member of the Lower Wisconsin State Riverway Board, to serve for the interim term ending May 1, 1998 and for the full term ending May 1, 2001.

Read.

NETTUM, GEORGE E., of Viroqua, as a member of the Land and Water Conservation Board, to serve for the term ending May 1, 2002.

Read.

RASMUSSEN, KATHLEEN M., of Cable, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 1999.

Read.

ROGERS, JAMES T., of Merrill, as a member of the Public Defender Board, to serve for the term ending May 1, 2000.

Read.

RUF, FRITZ, of Pewaukee, as a member of the Wisconsin Waterways Commission, to serve for the term ending March 1, 2003.

Read.

THOMAS, ROBERT D., of Dodgeville, as a member of the Waste Facility Siting Board, to serve for the term ending May 1, 2001.

Read.

YOUNG, STELLA A., of Racine, as a member of the Public Defender Board, to serve for the term ending May 1, 2001.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Breske, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, Jauch, A. Lasee, Lazich, Moen, Moore, Panzer, Plache, C. Potter, Risser, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

Senator Chvala, with unanimous consent, asked that the appointments of William R. Elman and Frederick J. Halfen be taken up en masse.

ELMAN, WILLIAM R., of Appleton, as a member of the Land and Water Conservation Board, to serve for the interim term ending May 1, 2001.

Read.

HALFEN, FREDERICK J., of Prairie du Sac, as a member of the Land Information Board, to serve for the interim term ending May 1, 2003.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 27; noes, 6; absent or not voting, 0; as follows:

Ayes – Senators Breske, Clausing, Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, Jauch, A. Lasee, Lazich, Moore, Panzer, C. Potter, Risser, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke and Zien – 27.

Noes – Senators Burke, Chvala, Decker, Moen, Plache and Wirch – 6.

Absent or not voting – None.

Confirmed.

REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

Senate Clearinghouse Rule 97–098

Relating to qualifications of public health professionals employed by local health departments.

Submitted by Department of Health and Family Services.

Report received from Agency, May 4, 1998.

Referred to committee on **Health, Family Services and Aging**, May 5, 1998.

Senate Clearinghouse Rule 98–037

Relating to the health care aid grant, retraining grant, primary mortgage loan, economic assistance loan, consumer loan and veterans assistance programs.

Submitted by Department of Veterans Affairs.

Report received from Agency, May 1, 1998.

Referred to committee on **Human Resources, Labor, Tourism, Veterans and Military Affairs**, May 5, 1998.

The committee on **Human Resources, Labor, Tourism, Veterans and Military Affairs** reports and recommends:

Senate Clearinghouse Rule 97–073

Relating to defining termination of employment for purposes of eligibility for benefits administered by the department of employe trust funds.

No action taken.

David Zien
Chairperson

MESSAGES FROM THE ASSEMBLY CONSIDERED

Senate Bill 357

Relating to: eliminating some of the school district and cooperative educational service agency reporting requirements and granting rule-making authority.

The question was: Shall Assembly amendment 1 to **Senate Bill 357** be concurred in?

Concurred in.

SECOND READING AND AMENDMENTS OF ASSEMBLY JOINT RESOLUTIONS AND ASSEMBLY BILLS

Assembly Joint Resolution 43

Relating to: 4–year terms of office for district attorneys (2nd consideration).

Read a second time.

Senator Farrow, with unanimous consent, asked that **Assembly Joint Resolution 43** be placed at the foot of the calendar of May 5, 1998.

Assembly Joint Resolution 129

Relating to: the life and public service of Richard Wineke.

Read.

Concurred in.

Assembly Bill 422

Relating to: property tax deadlines.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 422**?

Adopted.

Ordered to a third reading.

Senator Weeden, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 422

Read a third time and concurred in as amended.

Assembly Bill 482

Relating to: providing alcohol beverages to an underage person, offering false identification purporting to show that an underage person has attained the legal drinking age and providing a penalty.

Read a second time.

Ordered to a third reading.

Senator A. Lasee, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 482

Read a third time and concurred in.

Assembly Bill 516

Relating to: the specified minimum percentage of postconsumer fiber contained in newsprint.

Read a second time.

Senate amendment 1 to Senate substitute amendment 1 to **Assembly Bill 516** offered by Senators Shibilski and Cowles.

Senator Zien, Panzer and Drzewiecki, with unanimous consent, asked to be made cosponsors of **Assembly Bill 516**.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1 to **Assembly Bill 516**?

Adopted.

The question was: Adoption of Senate substitute amendment 1 to **Assembly Bill 516**?

Adopted.

Ordered to a third reading.

Senator Ellis, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 516

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 30; noes, 3; absent or not voting, 0; as follows:

Ayes – Senators Breske, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, Grobschmidt, Huelsman, Jauch, A. Lasee, Lazich, Moen, Panzer, Plache, C. Potter, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke, Wirch and Zien – 30.

Noes – Senators George, Moore and Risser – 3.

Absent or not voting – None.

Concurred in as amended.

Assembly Bill 549

Relating to: issuance of administrative warnings by the medical examining board, disciplinary actions against physicians, granting rule-making authority and providing a penalty.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 549**?

Adopted.

The question was: Adoption of Senate amendment 2 to **Assembly Bill 549**?

Adopted.

Senate amendment 3 to **Assembly Bill 549** offered by Senator Roessler.

The question was: Adoption of Senate amendment 3 to **Assembly Bill 549**?

Adopted.

Senate amendment 4 to **Assembly Bill 549** offered by Senators Roessler and Welch.

The question was: Adoption of Senate amendment 4 to **Assembly Bill 549**?

Adopted.

Ordered to a third reading.

Senator A. Lasee, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 549

Read a third time and concurred in as amended.

Assembly Bill 601

Relating to: adoption assistance, granting rule-making authority and making appropriations.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 601**?

Adopted.

Ordered to a third reading.

Senator A. Lasee, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 601

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Breske, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, Jauch, A. Lasee, Lazich, Moen, Moore, Panzer, Plache, C. Potter, Risser, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Concurred in as amended.

Assembly Bill 660

Relating to: lifetime supervision for persons who commit certain sex offenses, granting rule-making authority and providing a penalty.

Read a second time.

Senator Weeden, with unanimous consent, asked that **Assembly Bill 660** be referred to the Joint Committee on **Finance**.

Senator Weeden, with unanimous consent, asked that the rules be suspended and that **Assembly Bill 660** be withdrawn from the Joint Committee on **Finance** and taken up at this time.

Senator Huelsman, with unanimous consent, asked that **Assembly Bill 660** be placed at the foot of the calendar of May 5, 1998.

Assembly Bill 712

Relating to: harboring or aiding juveniles who have run away or failed to appear in court and providing a penalty.

Read a second time.

Senate amendment 1 to **Assembly Bill 712** offered by Senators Moore and Risser.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 712**?

Adopted.

Senator George moved nonconcurrence in **Assembly Bill 712**.

The question was: Shall **Assembly Bill 712** be nonconcurrent in?

The ayes and noes were demanded and the vote was: ayes, 13; noes, 20; absent or not voting, 0; as follows:

Ayes – Senators Burke, Chvala, Clausing, Decker, George, Jauch, Moen, Moore, Plache, Risser, Shibilski, Wineke and Wirch – 13.

Noes – Senators Breske, Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, Grobschmidt, Huelsman, A. Lasee, Lazich, Panzer, C. Potter, Roessler, Rosenzweig, Rude, Schultz, Weeden, Welch and Zien – 20.

Absent or not voting – None.

Refused nonconcurrence.

Ordered to a third reading.

Senator Farrow, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 712

Senator Roessler, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 712**.

Senator Lasee moved that **Assembly Bill 712** be referred to the committee on **Judiciary**.

The question was: Shall **Assembly Bill 712** be referred to the committee on **Judiciary**?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes – Senators Breske, Chvala, Clausing, Decker, Ellis, Farrow, George, Huelsman, Jauch, A. Lasee, Moen, Moore, Panzer, Plache, C. Potter, Risser, Rude, Wineke and Wirch – 19.

Noes – Senators Burke, Cowles, Darling, Drzewiecki, Fitzgerald, Grobschmidt, Lazich, Roessler, Rosenzweig, Schultz, Shibilski, Weeden, Welch and Zien – 14.

Absent or not voting – None.

Referred.

Assembly Bill 785

Relating to: the location of refusal hearings, the citation procedure used for certain violations, judgments regarding minors and interference with custody of a nonmarital child (suggested as remedial legislation by the director of state courts).

Read a second time.

Ordered to a third reading.

Senator Farrow, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 785

Read a third time and concurred in.

Assembly Bill 842

Relating to: requiring cost-benefit analyses in the rule-promulgation process.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Assembly Bill 842**?

The ayes and noes were demanded and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Breske, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, Jauch, A. Lasee, Lazich, Moen, Moore, Panzer, Plache, C. Potter, Risser, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Adopted.

Ordered to a third reading.

Senator Ellis, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 842

Read a third time.

The ayes and noes were required and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes – Senators Breske, Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Huelsman, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Rude, Schultz, Weeden, Welch and Zien – 19.

Noes – Senators Burke, Chvala, Clausing, Decker, Grobschmidt, Jauch, Moen, Moore, Plache, C. Potter, Risser, Shibilski, Wineke and Wirch – 14.

Absent or not voting – None.

Concurred in as amended.

Senator Ellis, with unanimous consent, asked that all action be immediately messaged to the Assembly.

Assembly Bill 876

Relating to: a statutory rape prosecution pilot program and making an appropriation.

Read a second time.

Senator Weeden, with unanimous consent, asked that **Assembly Bill 876** be referred to the Joint Committee on Finance.

Assembly Bill 886

Relating to: prohibiting a person 12 years of age or over who has been adjudicated delinquent for committing a serious crime or who has a delinquency petition pending for a serious crime from day care licensure, certification, employment, contracting or residence.

Read a second time.

Senate amendment 1 to **Assembly Bill 886** offered by Senators Moore and Risser.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 886**?

Adopted.

The Chair, with unanimous consent, introduced Jerris Leonard, former majority leader in the Senate, who was observing in the gallery today.

Senator Huelsman, with unanimous consent, asked that **Assembly Bill 886** be placed at the foot of the calendar of May 5, 1998.

Assembly Bill 963

Relating to: the forms used to claim motor vehicle fuel tax refunds; replacing obsolete references to “special fuel” and “motor fuel”; authorizing the department of revenue to give seized cigarettes to law enforcement officers for use in criminal investigations; seized alcohol beverages; unpaid instalments of the estate tax; garnishment of earnings by debtors; the place of trial for criminal violations of certain income and franchise tax provisions; the statute of limitations for income taxes and franchise taxes; income tax information returns; and defining “one month” for the sales tax on certain rentals (suggested as remedial legislation by the department of revenue).

Read a second time.

Ordered to a third reading.

Senator Weeden, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 963

Read a third time and concurred in.

Assembly Joint Resolution 43

Relating to: 4-year terms of office for district attorneys (2nd consideration).

Read a second time.

Senate substitute amendment 1 to **Assembly Joint Resolution 43** offered by Senators Rude, Welch, Weeden, Schultz, Darling, Zien, Rosenzweig, Drzewiecki, Farrow, Panzer and Lazich.

The question was: Adoption of Senate substitute amendment 1 to **Assembly Joint Resolution 43**?

Adopted.

Ordered to a third reading.

Senator Weeden, with unanimous consent, asked that the joint resolution be considered for final action at this time.

Assembly Joint Resolution 43

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 2; absent or not voting, 0; as follows:

Ayes – Senators Breske, Burke, Chvala, Clausing, Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, A. Lasee, Lazich, Moen, Moore, Panzer, Plache, C. Potter, Risser, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke, Wirch and Zien – 31.

Noes – Senators Decker and Jauch – 2.

Absent or not voting – None.

Concurred in as amended.

Assembly Bill 660

Relating to: lifetime supervision for persons who commit certain sex offenses, granting rule-making authority and providing a penalty.

Read a second time.

Senate amendment 1 to **Assembly Bill 660** offered by Senators Huelsman and Darling.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 660**?

Adopted.

Ordered to a third reading.

Senator Ellis, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 660

Read a third time and concurred in as amended.

Senator Ellis, with unanimous consent, asked that the Senate return to the fourth order of business.

REPORT OF COMMITTEES

The joint committee on **Finance** reports and recommends:

Senate Bill 378

Relating to: creating a child abuse and neglect prevention program, medical assistance for certain case management services, authorizing the child abuse and neglect prevention board to form a nonstock, nonprofit corporation, early childhood family education center grants awarded by the child abuse and neglect prevention board, training programs and training requirements for staff of county departments or licensed child welfare agencies under contract with county departments whose responsibilities include investigation or treatment of child abuse and neglect, granting rule-making authority and making appropriations.

Introduction of Senate substitute amendment 2.

Ayes, 16 – Senators Weeden, Farrow, Cowles, Panzer, Schultz, Rosenzweig, Burke and Decker. Representatives Gard, Ourada, Harsdorf, Albers, Porter, Kaufert, Linton and Coggs.

Noes, 0 – None.

Introduction and adoption of Senate amendment 1 to Senate substitute amendment 2.

Ayes, 16 – Senators Weeden, Farrow, Cowles, Panzer, Schultz, Rosenzweig, Burke and Decker. Representatives Gard, Ourada, Harsdorf, Albers, Porter, Kaufert, Linton and Coggs.

Noes, 0 – None.

Introduction and adoption of Senate amendment 2 to Senate substitute amendment 2.

Ayes, 16 – Senators Weeden, Farrow, Cowles, Panzer, Schultz, Rosenzweig, Burke and Decker. Representatives Gard, Ourada, Harsdorf, Albers, Porter, Kaufert, Linton and Coggs.

Noes, 0 – None.

Introduction and adoption of Senate amendment 3 to Senate substitute amendment 2.

Ayes, 15 – Senators Weeden, Farrow, Cowles, Panzer, Schultz, Rosenzweig, Burke and Decker. Representatives Gard, Ourada, Harsdorf, Albers, Porter, Kaufert and Linton.

Noes, 1 – Representative Coggs.

Senate substitute amendment 2 adoption.

Ayes, 16 – Senators Weeden, Farrow, Cowles, Panzer, Schultz, Rosenzweig, Burke and Decker. Representatives

Gard, Ourada, Harsdorf, Albers, Porter, Kaufert, Linton and Coggs.

Noes, 0 – None.

Passage as amended.

Ayes, 11 – Senators Weeden, Farrow, Panzer, Schultz, Rosenzweig, Burke and Decker. Representatives Gard, Ourada, Linton and Coggs.

Noes, 5 – Senator Cowles. Representatives Harsdorf, Albers, Porter and Kaufert.

Timothy Weeden
Senate Chairperson

Senator Ellis, with unanimous consent, asked that **Senate Bill 378** be withdrawn and taken up at this time.

Senate Bill 378

Relating to: creating a child abuse and neglect prevention program, medical assistance for certain case management services, authorizing the child abuse and neglect prevention board to form a nonstock, nonprofit corporation, early childhood family education center grants awarded by the child abuse and neglect prevention board, training programs and training requirements for staff of county departments or licensed child welfare agencies under contract with county departments whose responsibilities include investigation or treatment of child abuse and neglect, granting rule-making authority and making appropriations.

Read a second time.

Senator Weeden, with unanimous consent, asked that the Senate stand infromal until 3:25 P.M..

3:15 P.M.

STOOD INFORMAL

3:25 P.M.

The Senate reconvened.

Senator Rude in the chair.

Senator Weeden, with unanimous consent, asked that Senate substitute amendment 1 to **Senate Bill 378** be laid on the table.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 2 to **Senate Bill 378**?

Adopted.

Senator Jauch moved rejection of Senate amendment 2 to Senate substitute amendment 2 to **Senate Bill 378**.

The question was: Rejection of Senate amendment 2 to Senate substitute amendment 2 to **Senate Bill 378**?

The ayes and noes were demanded and the vote was: ayes, 14; noes, 19; absent or not voting, 0; as follows:

Ayes – Senators Breske, Chvala, Clausing, George, Grobschmidt, Jauch, Moen, Moore, Plache, C. Potter, Risser, Shibilski, Wineke and Wirch – 14.

Noes – Senators Burke, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, Huelsman, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Rude, Schultz, Weeden, Welch and Zien – 19.

Absent or not voting – None.

Rejection refused.

The question was: Adoption of Senate amendment 2 to Senate substitute amendment 2 to **Senate Bill 378**?

Adopted.

The question was: Adoption of Senate amendment 3 to Senate substitute amendment 2 to **Senate Bill 378**?

Adopted.

The question was: Adoption of Senate substitute amendment 2 to **Senate Bill 378**?

Adopted.

Ordered to a third reading.

Senator Ellis, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 378

Read a third time.

The ayes and noes were required and the vote was: ayes, 28; noes, 5; absent or not voting, 0; as follows:

Ayes – Senators Breske, Burke, Chvala, Clausing, Darling, Decker, Ellis, Farrow, George, Grobschmidt, Huelsman, Jauch, A. Lasee, Moen, Moore, Panzer, Plache, C. Potter, Risser, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Wineke, Wirch and Zien – 28.

Noes – Senators Cowles, Drzewiecki, Fitzgerald, Lazich and Welch – 5.

Absent or not voting – None.

Passed.

Senator Ellis, with unanimous consent, asked that all action be immediately messaged to the Assembly.

Assembly Bill 886

Relating to: prohibiting a person 12 years of age or over who has been adjudicated delinquent for committing a serious crime or who has a delinquency petition pending for a serious crime from day care licensure, certification, employment, contracting or residence.

Ordered to a third reading.

Senator Ellis, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 886

Read a third time.

The ayes and noes were required and the vote was: ayes, 27; noes, 6; absent or not voting, 0; as follows:

Ayes – Senators Breske, Burke, Chvala, Clausing, Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, Grobschmidt,

Huelsman, Jauch, A. Lasee, Lazich, Moen, Panzer, Plache, C. Potter, Roessler, Rosenzweig, Rude, Schultz, Weeden, Welch, Wirch and Zien – 27.

Noes – Senators Decker, George, Moore, Risser, Shibilski and Wineke – 6.

Absent or not voting – None.

Concurred in as amended.

Senator Ellis, with unanimous consent, asked that all action be immediately messaged to the Assembly.

**ANNOUNCEMENTS, ADJOURNMENT
HONORS AND REMARKS UNDER SPECIAL
PRIVILEGE**

Senator Moen, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Senator Risser's birthday today.

Senator Wineke, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Richard G. B. Hanson's birthday today.

Senator Wineke, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Teachers of the state.

Senator Farrow, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Bell Middle Schools Band and Orchestra which participated in an international contest in Toronto and the Orchestra won first place and the Band placed second.

Senator Rude, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Karen Dahl a constituent from his district who accompanied him today to observe the session.

ADJOURNMENT

Senator Ellis, with unanimous consent, asked that the Senate adjourn until Wednesday, May 6 at 10:00 A.M..

Adjourned.

4:55 P.M.